

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MONTEREY BAY MILITARY HOUSING,
LLC, et al.,

Plaintiffs,

v.

PINNACLE MONTEREY LLC, et al.,

Defendants.

Case No. [14-cv-03953-BLF](#)

**ORDER GRANTING MOTION TO
CLARIFY PRELIMINARY
INJUNCTION AND CLARIFYING
PRELIMINARY INJUNCTION;
MODIFIED ORDER GRANTING IN
PART MOTION FOR LEAVE TO TAKE
LIMITED DISCOVERY**

[Re: ECF 79, 146]

On April 9, 2015, the Court heard argument on Defendants’ Motion to Clarify Preliminary Injunction, ECF 79, and Plaintiffs’ Motion For Leave to Take Limited Discovery, ECF 146.

I. MOTION TO CLARIFY PRELIMINARY INJUNCTION

For the reasons stated on the record, Defendants’ motion to clarify the status quo injunction entered by the state court on December 28, 2011 is GRANTED. The injunction is clarified as follows:

The status quo injunction is clear on its face: “Defendants may not take actions that are based on their contention that the disputed provisions of [the] Agreements have already been adjusted. Plaintiffs may not take actions that are based on their contention that the disputed provisions of [the] Agreements have not been adjusted.” Decl. of Alice Y. Chu, ECF 79-7 Exh. A (December 28, 2011 “Status Quo Inj.”) at 2. As further clarified by the state court, the status quo injunction “is not intended to and does not prevent action that California law permits or requires, and is not intended to and does not require action that California law prohibits.” Decl. of Yates M. French, ECF 114-1 Exh. 13 at 3. In sum, “the status quo is that the validity of the adjustments to the [Property Management] Agreements is in dispute.” Status Quo Inj. at 1. The status quo

injunction therefore pertains only to actions proscribed under section 18 of the PMAs and is not intended to regulate the parties' other actions under the Agreements.

II. MOTION FOR LEAVE TO TAKE LIMITED DISCOVERY

For the reasons stated on the record, Plaintiffs' Motion for Leave to Take Limited Discovery is GRANTED IN PART and DENIED IN PART.

~~Plaintiffs shall have leave to subpoena Union Bank and Quality Plumbing for Joni Calloway's bank records.~~

Plaintiffs shall have leave to subpoena Union Bank and Quality Plumbing for records relating to checks drawn on Quality Plumbing's account (including, but not limited to cashier checks) written to Joni Calloway, to cash, or to Quality Plumbing from December 2007 to present.

Plaintiffs shall also have leave to take a Federal Rule of Civil Procedure 30(b)(6) deposition of AMS/AMSC on the limited subject matters pertaining to the written reprimand of Jewel Dunn, as identified in Plaintiffs' February 10, 2015 Notice of Deposition. Decl. of Jessica J. Bluebond-Langner, ECF 146-1 Exh. 8. Such deposition **shall not exceed two (2) hours and shall be completed by April 30, 2015.**

Plaintiffs' motion is DENIED with respect to the remaining requests.

IT IS SO ORDERED.

Dated: April 21, 2015


BETH LABSON FREEMAN
United States District Judge